

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 09-11705-NG

JONATHAN GREEN

v.

**CITY OF BOSTON; EDWARD DAVIS,
in his capacity as Chief of the Boston
Police Dept.; TIMOTHY MCCARTHY,
individually and in his official capacity as
an Employee, Agent, and/or Officer of the
Boston Police Department**

AFFIDAVIT OF DEFENDANT TIMOTHY McCARTHY

I, TIMOTHY McCARTHY, do depose and state as follows:

1. I am a defendant in the above-captioned matter.
2. I am a police officer of the Boston Police Department.
3. On May 7, 2007, I participated in the arrest of Plaintiff, Jonathan Green ("Plaintiff").
4. I authored the Boston Police Department Incident Report ("Incident Report") related to the arrest of Plaintiff.
5. The information contained in the Incident Report is true to the best of my current knowledge and memory.
6. At no point during the arrest did I grab the collar of Plaintiff's shirt causing his head or face to be slammed on the roof of the police cruiser.
7. At no point during the arrest did I touch Plaintiff's head causing his head or face to be slammed on the roof of the police cruiser.
8. At no point during the arrest did I force or slam Plaintiff's head or face onto the roof of the police cruiser.
9. At no point during the arrest did I see either of the other two officers grab the collar of Plaintiff's shirt.

10. At no point during the arrest did I see either of the other two officers force Plaintiff's head or face onto the roof of the police cruiser.
11. I attended the Boston Police Academy from October 2005 to May 2006 and graduated in May 2006.
12. At the Academy I received training on various areas, including but not limited to, constitutional law, state and federal civil rights, criminal law, crisis intervention, conflict resolution, interpersonal relations, ethics, defensive tactics, use of force, written communications, and the Boston Police Department's Rules, Regulations and Special Orders.
13. At the Academy, I was instructed on the use of non lethal force and that all of my actions taken during the course of an arrest must be "reasonable." I am also versed on Rules 303, 303A, and Rule 304 on the use of force.
14. Throughout my career, I have received follow up and additional training through in-service trainings.
15. I have made approximately 300 arrests. I have never been disciplined for the use of force, nor has any citizen, before this incident, made a complaint to the Boston police department about my use force during the course of an arrest.

***SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 24th DAY OF
APRIL, 2012***



Timothy McCarthy